

03-02-05

EXPRESS MAIL NO.: EV 452 774 506 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Graham	Confirmation No.:	4967
Serial No.:	09/866,951	Art Unit:	3641
Filed:	May 29, 2001	Examiner:	L. Semunegus
For:	POCKET GUN REST	Attorney Docket No.:	10779-003-999

RESPONSE TO NOTICE UNDER 37 CFR 1.251 - PENDING APPLICATION

Mail Stop Reconstruction ✓
United States Patent and Trademark Office
Washington, DC 20231

Sir:

In response to the Notice Under 37 CFR 1.251, dated December 1, 2004 ("Notice") in connection with the above-identified application, Applicant submits herewith: (a) a copy of the Notice; (b) a completed Form PTO-2053-B; and (c) a copy of the Applicant's record of all of the correspondence between the Patent Office and the Applicant for the above-identified application.

Pursuant to 37 CFR 1.251(a)(1)(i) and (ii), Applicant provides copies of the following documents of all correspondence between the Patent Office and the applicant:

- (1) application as filed on May 29, 2001, including the following documents:
 - (a) a Return Receipt Postcard which on one side had an itemized list of the papers mailed on May 29, 2001 under Express Mail Label No.EL501640030US;
 - (b) a Utility Patent Application Transmittal;
 - (c) a Patent Application Fee Sheet dated May 29, 2001;
 - (d) specification, abstract and drawings (14 pages plus 7 sheets of drawings);
 - (e) an executed Declaration and Power of Attorney; and
 - (f) a Statement Claiming Small Entity
- (2) the Filing Receipt mailed on May 29, 2001 by the Patent Office;

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NYJD: 1566007.1

- (3) An Information Disclosure Statement filed August 7, 2001, including a List of References Cited by Applicant;
- (4) A non-final Office Action dated April 3, 2002;
- (5) An Amendment filed August 5, 2002, including:
 - (a) Appendix A: changes to Figs. 1, 4-7, and 9-11
 - (b) Appendix B: Substitute Specification
 - (c) Appendix B-1: Marked up version of Substitute Specification
 - (d) Appendix C: Marked up version of amended claims
 - (e) Appendix D: List of all currently pending claims
 - (f) Amendment Fee Transmittal
 - (g) Petition for Extension of Time;
- (6) A non-final Office Action dated October 17, 2002;
- (7) A Notice of Publication of Application dated December 05, 2002;
- (8) An Amendment filed February 19, 2003, and a Petition for Extension of Time;
- (9) A Final Office Action dated June 3, 2003;
- (10) Request for Withdrawal as Attorney dated October 28, 2003, and a Petition for Extension of Time;
- (11) An Amendment filed December 2, 2003, and a Petition for Extension of Time;
and
- (12) A Notice Under 37 C.F.R. 1.251 mailed December 01, 2004.

Pursuant to 37 CFR 1.251(a)(1)(iii), Applicant submits that the copy is a complete and accurate copy of the Applicant's record of all the correspondence between the Patent Office and the Applicant for the above-identified application.

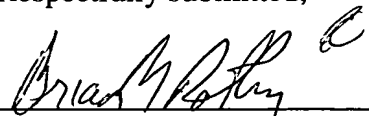
Applicant is not aware of any correspondence between the Patent Office and the Applicant for the subject application or other proceeding that is not among Applicant's records.

Applicant respectfully requests that the file of the above-identified application be reconstructed pursuant to the provisions of 37 CFR 1.251.

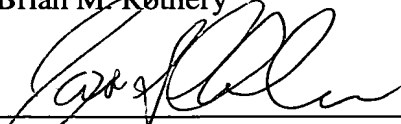
It is believed that no fee is due in connection herewith this response. However, should the Patent Office determine otherwise, please charge the required fee to Jones Day Deposit Account No. 503013.

Respectfully submitted,

Date: February 28, 2005



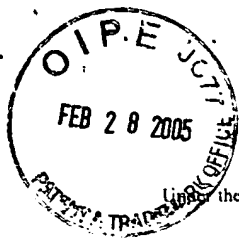
Brian M. Rothery 35,340
(Reg. No.)

By: 

Jason S. Charkow 46,418
(Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosures



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

Graham, Richard C.

Application No.:

09/866,951

Filing Date:

May 24, 2001

Title:

Pocket Gun Rest**RECEIVED**

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Direct to:

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United States Patent and Trademark Office

Washington, DC 20231

NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents); and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

2/28/05

Signature

Jason S. Charkow for
Brian M. Rotery

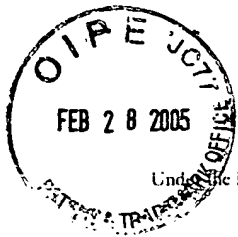
46418

35340

Typed or printed name

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



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In re Application of: _____

Application No.: _____

Filing Date: _____

Title: _____

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Direct to:

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Date_____
Signature_____
Typed or printed name**A copy of this notice should be returned with the reply.**

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